FARAD CONTINUATION SHEET NO.
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**

CRIMINAL APPEAL NO.1339 OF 2004

| Office notes, office Memoranda of Coram, appearance, Court's orders or directions and Registrar's orders. | Court's or Judge's orders. |
|---|---|

Mr.A.S.Shitole, APP. for the Appellant.

**CORAM : R.S. MOHITE,J.**
**DATED : 09/1/2006.**

**P.C.**

1. The State has filed this appeal impugning a judgment and order passed by the J.M.F.C. 4th Court, Pune on 8.4.2004 acquitting the accused for offence punishable under Section-201 and 338 of the I.P.C. On perusal of the judgment, it is clear that the cogent reasons are given for acquittal. There is a delay of four days in lodging the complaint. The prosecution case was that the complainant and Arjun Jedhe were fired by the accused with an air gun. The Trial Court has observed that the police did not seize the air gun. The complainant could not

identify the person who had fired. The complainant could not identify the person to whom he had seen inside the grilled window of the top floor of the building. The other witness Arjun Jedhe made an improvement while identifying the accused. He had not stated to the police that he had seen any person in the house from which the air gun was fired. In the circumstances, this is not a fit case for interference. Hence, leave refused. Consequently the appeal stands dismissed.

**(R. S. MOHITE, J.)**